

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHERYL ANN SHEETS,

Plaintiff,

v.

SHERIFF ALEX LAPE, *et al.*,

Defendants.

Case No. 2:24-CV-4049

Judge Edmund A. Sargus, Jr.

Magistrate Judge Chelsey M. Vascura

ORDER

This matter is before the Court on the December 20, 2024, Report and Recommendation issued by the Magistrate Judge. (R&R, ECF No. 5.) Plaintiff filed a motion to reopen a 2021 case that had been voluntarily dismissed without prejudice. (*See* ECF No. 1.) This Court issued an order construing that motion as an attempt to open a new civil action, and this action was created. (ECF No. 3.) The Court ordered Plaintiff to file a new complaint within 30 days. (*Id.*) Plaintiff failed to do so, and the Court ordered her to show cause for why this action should not be dismissed for failure to prosecute based on her failure to file a complaint. (ECF No. 4.) The Court warned Plaintiff that failure to satisfy the show cause order would result in dismissal of her case. (*Id.*) Plaintiff failed to comply with the order and has not filed a new complaint.

The Magistrate Judge recommended that the Court dismiss with prejudice Plaintiff's action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for Plaintiff's failure to prosecute. (R&R, ECF No. 5, PageID 23–24.)

Once a magistrate judge issues a report and recommendation, the relevant statute provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which

objection is made.

28 U.S.C. § 636(b)(1). The failure to file written objections to a magistrate judge's report and recommendation waives a de novo determination by the district court of any issues addressed in the report and recommendation. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Plaintiff was advised of her right to object to the Report and Recommendation and of the consequences of failing to do so. (R&R, PageID 24.) Plaintiff did not timely object. Accordingly, Plaintiff waived a de novo review of the Report and Recommendation.

The Court **ADOPTS** and **AFFIRMS** the Report and Recommendation. (ECF No. 5.) The Court **DISMISSES WITH PREJUDICE** this action under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute.

The Clerk is **DIRECTED** to enter judgment and terminate this case on the Court's docket.

IT IS SO ORDERED.

1/22/2025
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE